

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dean J. Schneider

Group Art Unit: 3726

Serial No.: 10/659,458

Examiner: C. M. Koehler

Filed: September 10, 2003

For: FUEL FILL ASSEMBLY AND METHOD OF FORMING SAME

Attorney Docket No.: 1001-114

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being sent via EFS to USPTO.GOV:

Date: August 8, 2008

Michelle Best
Signature

Michelle Best
(type or print name of person certifying)

ELECTION REQUIREMENT PURSUANT TO 35 U.S.C. 121 AND AMENDMENT

Dear Sir:

This response addresses the Election/Restriction requirement dated July 8, 2008 with respect to the above-identified patent application. Applicants elect to proceed, with traverse, with Species A, as asserted by the Examiner. Applicants note that currently pending claims 1-7, 9-16, and 18-22 read on the elected species. However, Applicants request that the Election/Restriction requirement be withdrawn.

Applicants traverse the rejection on the grounds that the claims have been amended for clarification. As such, Species A, directed to claims 7 and 16, and Species B, directed to claims


8 and 17, are no longer independent nor distinct because they do not recite mutually exclusive characteristics. More particularly, the amended claims 7 and 16 are drawn to an ethylene content of an ethylene-based material and the amended claims 8 and 17 are drawn to a copolymer or comonomer content of an ethylene-based material. Furthermore, Applicants traverse the rejection on the grounds that a search of all of the asserted species is not unduly burdensome particularly when considering the extensive list of submissions in the previously filed Information Disclosure Statement and the likelihood that the different species likely fall within the same or very similar search classification. For example, Species A and Species B, as amended are both directed to the composition of the ethylene-based material of the first and second seals.

If the Examiner has any questions with respect to this communication, the Examiner is kindly urged to call the undersigned.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Dated: 08.08, 2008


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